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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/594,678	06/16/2000	David L. Deitz	06005/36797	1079

7590 01/24/2005

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EXAMINER	
NORRIS, TREMAYNE M	

ART UNIT	PAPER NUMBER
2137	

DATE MAILED: 01/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/594,678	DIETZ ET AL.	
	Examiner	Art Unit	
	Tremayne M. Norris	2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 July 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18,20-29 and 32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18,20-29 and 32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments, filed 7/27/04, with respect to the rejection(s)of claim(s) 1-18,20-29 and 32 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of He et al (US pat 6,088,451).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-18,20-29,32 rejected under 35 U.S.C. 102(e) as being anticipated by He et al (US pat 6,088,451).

Regarding claim 1, He teaches a process control system capable of executing a function after initiation thereof, the process control system comprising:

a computer having a memory and a processing unit; and

a security module stored in the memory of the computer and adapted to be executed on the processing unit of the computer, wherein the security module analyzes

security information collected from a user contemporaneously with the initiation of the function and in association therewith to determine whether the function should be executed (col.9 lines 47-61).

Regarding claim 2, He teaches a security system wherein the process control system comprises a network and the function is initiated via a device external to the network (col.11 lines 34-46).

Regarding claim 3, He teaches a security system wherein the device includes a client that generates a user interface to collect the security information (col.4 lines 7-12).

Regarding claim 4, He teaches a security system wherein the client passes the security information in encrypted form to the security module (col.2 lines 56-65).

Regarding claim 5, He teaches a process control application stored in the memory of the computer and adapted to be executed on the processing unit of the computer, wherein the process control application generates a security configuration interface for establishing a security parameter for the function executed by the process control system (col.9 lines 47-61).

Regarding claim 6, He teaches the security parameter comprises data representative of a lock associated with the function executed by the process control system (col.18 lines 26-32).

Regarding claim 7, He teaches the security parameter comprises data representative of whether execution of the function requires the security information to include a user identification and password (col.2 lines 21-30; col.9 lines 47-61).

Regarding claim 8, He teaches the security parameter comprises data representative of whether execution of the function requires the security information to include verification information (col.9 lines 47-61; col.10 lines 19-47).

Regarding claim 9, He teaches a security system wherein the process control system comprises a network and the computer resides at a node of the network (fig.2).

Regarding claim 10, He teaches a process control application stored in the memory of the computer and adapted to be executed on the processing unit of the computer, wherein the process control application generates a user interface to collect the security information from the user (col.4 lines 7-12).

Method claims 11-15 are substantially equivalent to system claims 1-4,7 respectively, therefore claims 11-15 are rejected for the same reasons.

Regarding claim 16, He teaches the step of generating a user interface for associating the function with a lock for which a user may be assigned a key (col.18 lines 26-32).

Method claim 17 is substantially equivalent to system claim 8, therefore claim 17 is rejected for the same reasons.

Regarding claim 18, He teaches a method of securing a process control system capable of execution of a function, the method comprising the steps of:

establishing a communication link between the process control system and a device external thereto to provide for remote initiation of the execution of the function (fig.2);

generating a user interface via the communication link for collection of security information from a user contemporaneously with the remote initiation of the execution of the function (col.4 lines 7-12; col.9 lines 47-61);

determining whether the remote initiation of the execution of the function is authorized based on the collected security information (col.9 lines 47-61).

Software system claim 20 is substantially equivalent to system claim 1, therefore claim 20 is rejected for the same reasons.

Regarding claim 21, He teaches a software system wherein the first routine is executed in a client-server configuration such that the collected security information is transmitted from a client to a server (col.9 lines 47-61).

Software system claim 22 is substantially equivalent to system claim 3, therefore claim 22 is rejected for the same reasons.

Regarding claim 23, He teaches a software system wherein the client is external to the process control system (fig.2).

Software system claim 24 is substantially equivalent to system claim 4, therefore claim 24 is rejected for the same reasons.

Regarding claim 25, He teaches a configuration routine that establishes a security parameter for the function (col.9 lines 47-61).

Software system claims 26-28 are substantially equivalent to system claims 6-8, therefore claims 26-28 are rejected for the same reasons.

Software system claim 29 is substantially equivalent to method claim 18, therefore claim 29 is rejected for the same reasons.

Software system claim 32 is substantially equivalent to system claim 4, therefore claim 32 is rejected for the same reasons.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tremayne M. Norris whose telephone number is (571) 272-3874. The examiner can normally be reached on M-F 7:30AM-5:00PM alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tremayne Norris

January 18, 2005

ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER